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May 15, 2018

VIA ELECTRONIC FILING (ECFS)

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

RE: **EX PARTE PRESENTATION**
*Misuse of Internet Protocol (IP) Captioned Telephone Service;
Telecommunications Relay Services and Speech-to-Speech Services for
Individuals with Hearing and Speech Disabilities*
CG Docket Nos. 13-24, 03-123

Dear Ms. Dortch:

On May 11, 2018, Dixie Ziegler, Vice President of Hamilton Relay, Inc. ("Hamilton"), and the undersigned counsel met with Nirali Patel, Special Counsel to Chairman Pai, regarding the above-captioned proceedings related to Internet Protocol Captioned Telephone Service ("IP CTS"). Ms. Ziegler participated by telephone.

Hamilton made the following arguments:

1. **Transparency**. Hamilton joins with consumer groups¹ in urging the Commission to ensure transparency by releasing a draft of any IP CTS items under consideration, whether those items are placed on circulation or scheduled for a vote at an open meeting. The Commission afforded such transparency to Video Relay Services users in 2017,² and individuals who rely on

¹ *Ex Parte* Letter from Blake E. Reid, Counsel for Telecommunications for the Deaf and Hard of Hearing, Inc. and the Hearing Loss Association of America, to Zenji Nakazawa, CG Docket Nos. 03-123, 13-24 (May 9, 2018).

² *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Notice of Inquiry, Further Notice of Proposed Rulemaking, and Order, 32 FCC Rcd 2436 (rel. Mar. 23, 2017).

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IP CTS are no less deserving of a transparent process, particularly as the Commission addresses critical IP CTS issues including quality of service, user registration, and rates.

2. Any Proposed Replacement Rate Methodology for IP CTS Requires Further Notice and Comment. For nearly five years, the Commission has had an open proceeding on whether, and if so how, the Commission should alter its methodology for determining IP CTS rates.³ Numerous proposals have been submitted during those years, including eight different proposals last year by the TRS Fund Administrator, replaced this year with an arbitrary (and unjustified) ten percent rate cut proposal, and various proposals from providers such as price caps or a tiered rate approach. The record is inadequate to support any of these proposals currently, and the Commission has not formally sought comment on them.

As Hamilton has noted previously, there are particular problems with the current record that render it inadequate as a basis for imposing any cost-based rates, including an interim rate based on costs.⁴ Moreover, the repeated public disclosures of company-specific cost data by the TRS Fund Administrator in violation of Commission rules⁵ further call into question the accuracy and integrity of the underlying data submitted to the Commission by the Administrator. For all of these reasons, Hamilton urges the Commission to solicit public comment in a Further Notice of Proposed Rulemaking concerning any proposed new rate methodology for IP CTS. If such a proceeding were initiated, Hamilton would support the Commission deferring any change to the current MARS rate until such time that a Notice of Proposed Rulemaking is completed. Transparency about the specific replacement rate methodology being proposed by the Commission is critical to ensuring an adequate supporting record and equal access to the administrative process.

This filing is made in accordance with Section 1.1206(b)(1) of the Commission's rules, 47 C.F.R. § 1.1206(b)(1). In the event that there are any questions concerning this matter, please contact the undersigned.

Respectfully submitted,

WILKINSON BARKER KNAUER, LLP

/s/ David A. O'Connor

Counsel for Hamilton Relay, Inc.

cc (via email): Nirali Patel

³ *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 13420 (2013).

⁴ *Ex Parte* Letter from Helgi C. Walker and David A. O'Connor, Counsel for Hamilton Relay, Inc., to Marlene H. Dortch, CG Docket Nos. 03-123, 13-24, at 1 (Nov. 14, 2017).

⁵ 47 C.F.R. § 64.604(c)(5)(iii)(I).